

REMARKS

Reconsideration of this application is respectfully requested.

In the Official Action, the Examiner rejects claims 1 and 7-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that the last two lines of claim 1 are unclear. In response, claim 1 has been amended to clarify the same. Accordingly, it is respectfully requested that the rejection of claims 1 and 7-10 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Additionally, the Examiner rejects claims 1 and 7-9 under 35 U.S.C. § 103(a) as being unpatentable over Kokai Publication No. 4-329944 (hereinafter "Kokai") in view of U.S. Patent No. 4,943,290 to Rexroth, et al. (hereinafter "Rexroth"). Furthermore, the Examiner rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Kokai and Rexroth and further in view of U.S. Patent No. 5,846,241 to Kittur, et al. (hereinafter "Kittur").

In response, the Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below. However, independent claim 1 has been amended to clarify its distinguishing features. Specifically, independent claim 1 has been amended to recite (in clean copy for the convenience of the Examiner):

"an electrically insulative flexible sheath having only one flow channel inside, a distal end portion and a proximal end portion, the distal end portion of the sheath having a distal opening and an axis;

a support member which closes the distal opening of the sheath, the support member having a slide hole with a diameter smaller than that of the distal opening extending along the axis thereof;

an operating wire axially movable in the sheath;
an electrode portion which has a distal end portion and a proximal end portion and of which at least a part forms a rod-shaped portion, the proximal end portion of the electrode portion being coupled to the operating wire, the rod-shaped portion being passed through the slide hole for axial projection and retraction;
a control section which is provided on the proximal end portion of the sheath and controls the operating wire to project and retract the electrode portion in the axial direction, the control section having a high-frequency current supply portion which supplies a high-frequency current to the electrode portion;
a liquid feed portion which is provided on the proximal end side of the sheath and feeds a liquid through the only one flow channel inside the sheath towards the distal opening; and
a plurality of openings for liquid feed which are formed in the support member, the plurality of openings for liquid feed being arranged around and independently of the slide hole, communicating to the only one flow channel, and partially blocking flow of the liquid fed in the vicinity of the distal end portion by the liquid feed portion.”

The amendment to claim 1 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to independent claim 1.

The Examiner indicates that Kokai discloses that there is one flow channel inside (see Figure 1), and also states “Regarding Applicant’s arguments that Rexroth does not have “one flow channel”, Examiner points out that if there are three flow channels, as suggested by Applicant, then there is also one flow channel.”

In response, the radio knife recited in claim 1 has been clarified to recite “only one flow channel.” The Applicant respectfully submits that Rexroth discloses three channels, and it is not characterized by only one flow channel. The objective of the radio knife of claim 1 can be achieved only by comprising “only one flow channel.”

Furthermore, the Examiner indicates “Kokai does not disclose a plurality of openings or that the plurality of openings is arranged around the slide hole to prevent the rod-

shaped portion entering therein,” whereas Rexroth discloses such features in Figures 13 and 14. The Examiner further points out “Applicant argues that a “slide hole” is not formed in Rexroth. Examiner maintains that the support walls 100-102, shown in Figure 12, create a slide hole” (although the Examiner refers to Figure 12 as showing such features, Applicants feel that the Examiner should refer to Figure 14.)

In response, claim 1 has been further clarified to recite “a plurality of openings for liquid feed which are formed in the support member, the plurality of openings for liquid feed being arranged around and independently of the slide hole to prevent ~~the rod-shaped portion from the entering therein~~ to the only one flow channel, and partially blocking flow ~~from~~ of the liquid fed in the vicinity of the distal end portion by the liquid feed portion” to clearly distinguish the radio knife of claim 1 from that taught and shown in Figures 13 and 14 of Rexroth.

Lastly, in the previous Action dated September 10, 2007, the Examiner argued that Figure 12 of Rexroth shows an opening (72D) arranged in the vicinity of the slide hole and independently thereof. In this regard, the Applicant respectfully submits that Rexroth does not disclose or suggest a plurality of openings for liquid feed communicating to only one flow channel, and partially blocking flow of the liquid fed in the vicinity of the distal end portion by a liquid feed portion, as is now clearly recited in independent claim 1.

With regard to the rejections of claims 1 and 7-9 under 35 U.S.C. § 103(a), independent claim 1, as amended, is not rendered obvious by the cited references because neither the Kokai application nor the Rexroth patent, whether taken alone or in combination, teach or suggest a radio knife having the features recited in independent claim 1. Accordingly, claim 1, as amended, patentably distinguishes over the prior art and is allowable.

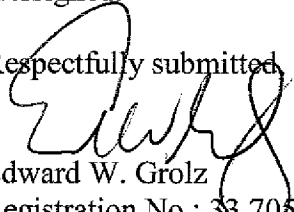
Claims 7-9, being dependent upon claim 1, are thus at least allowable therewith.

Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1 and 7-9 under 35 U.S.C. § 103(a).

With regard to the rejection of claim 10 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claim 10 is at least allowable therewith because it depends from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 10 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


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